

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA	*	CRIMINAL NO. 09-015
v.	*	SECTION: I (1)
ERICKA CONERLY a/k/a Erica Conerly	*	VIOLATION: 18 U.S.C. §1343

* * *

FACTUAL BASIS

Should this matter have gone to trial, the Government would have proved beyond a reasonable doubt, through the introduction of competent testimony and admissible tangible exhibits including the testimony of special agents of the Federal Bureau of Investigation (“FBI”), employees of the American Red Cross (“Red Cross”) and others, the following facts to support the allegations charged by the United States Attorney in the Indictment now pending against the defendant, **ERICKA CONERLY**.

An employee of the Red Cross would testify that in the weeks and months after Hurricane Katrina, which struck southeastern Louisiana on August 29, 2005, the Red Cross maintained disaster recovery centers to assist victims of Hurricane Katrina. Through these recovery assistance efforts, the Red Cross provided financial assistance to residents displaced or otherwise affected by Hurricane

Katrina. People affected by the storms were able to apply for a one-time only financial grant of up to \$1,565 from the Red Cross. In order to receive these funds, applicants needed to present identification to a Red Cross representative that indicated residence in an affected zone. Applicants were also required to swear and attest that they had not received any undisclosed additional American Red Cross financial assistance at any other Red Cross assistance location.

Competent testimony would be introduced that once approved, the Red Cross made these disaster assistance funds available in one of four ways: (1) A personal check made payable to the applicant, issued on-site, and cashed with the assistance of the Red Cross; (2) A Red Cross-issued "Discover" card, issued on-site, and activated via phone by the applicant; (3) A Red Cross-issued Client Assistance Card, issued on-site, and purchased by the Red Cross from private banking institutions; (4) A personal check authorized by the Red Cross, issued by Paychex, Inc.

Testimony by an employee of the Red Cross and admissible exhibits would be introduced to prove that the defendant, **ERICKA CONERLY**, presented herself to Red Cross assistance centers on five (5) occasions between on or about September 21, 2005 and on or about October 7, 2005. On each visit, she applied for financial assistance and indicated that she had not received any other financial assistance from the Red Cross. As a result of her actions in connection with these 5 applications, **ERICKA CONERLY** received direct financial assistance from the Red Cross totaling \$7525, of which \$5960 was obtained by fraud. Competent testimony and admissible exhibits would be introduced to prove that one of the five occasions that **ERICKA CONERLY** applied for assistance was on or about October 3, 2005, when the defendant applied for and received a pre-loaded Discover debit/gift card from the Red Cross at an assistance center located within the Eastern District of Louisiana.

An employee of Discover would testify and admissible records would be submitted to prove that on or about October 5, 2005, in the Eastern District of Louisiana, a pre-loaded Discover debit/gift card, XXXX XXXX XXXX 3214, issued by the Red Cross to **ERICKA CONERLY** on October 3, 2005, was used at a Lady Foot Locker in Slidell, Louisiana. This use in turn caused certain writings, signs, signals, and sounds to be sent from the point of use in Slidell, Louisiana to a data center outside the state of Louisiana, authorizing and allowing items to be purchased at the Lady Foot Locker in Slidell, Louisiana.

READ AND APPROVED:

ROMA KENT (Date)
Counsel for ERICKA CONERLY ____/____/____

SHARAN E. LIEBERMAN (Date)
Assistant U.S. Attorney ____/____/____

ERICKA CONERLY (Date)
Defendant ____/____/____